

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL NO. 1:06CV20

STATE OF NORTH CAROLINA, *ex rel.*)

ROY COOPER, Attorney General,)

Plaintiff,)

Vs.)

TENNESSEE VALLEY AUTHORITY,)

Defendant.)

ORDER

THIS MATTER is before the Court on the parties' statement of the issues for trial, filed July 7, 2008.

This statement shows the parties' disagreement as to the liability issues, and each has submitted its own version of these issues.

Statement of Issues, filed July 7, 2008, ¶¶ 1-1c. As to issues involving injunctive relief and TVA's defenses, the parties appear have reached an agreement and have jointly submitted a statement of those issues. *Id.* ¶¶ 2-4.

For purposes of trial, the Court tentatively adopts the liability issues as stated by TVA (¶¶ 1a-1c). Likewise, the Court tentatively adopts the

issues agreed upon by the parties with regard to defenses and relief (¶¶ 2-4). The undersigned notes, however, that – as with most complex trials – the precise issues will likely evolve as the evidence unfolds.

IT IS SO ORDERED.

Signed: July 9, 2008

A handwritten signature in dark ink, appearing to read "L. H. Thornburg", written over a horizontal line.

Lacy H. Thornburg
United States District Judge

